

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DANIEL WAYNE ZAWHORODNY,
Plaintiff,

v.

FACEBOOK.COM
Defendant.

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Civil Action No. 7:15cv00087

MEMORANDUM OPINION

By: Norman K. Moon
United States District Judge

Plaintiff Daniel Wayne Zawhorodny, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983, naming only Facebook.com as a defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). As Facebook.com is not a “person acting under color of state law,” Zawhorodny cannot maintain this § 1983 action against the defendant. Therefore, I will dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim.

ENTER: This 13th day of March, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE